

The Mayor and Council of the Town of Townsend

141 Main Street, P.O. Box 223, Townsend, DE 19734

Phone (302) 378-8082 Fax (302) 378-7099

Introduced by: Mayor Rudy Sutton

Introduced on: August 24, 2016

ORDINANCE NO. 16-05



AN ACT TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF TOWNSEND CONCERNING A COMPREHENSIVE RECODIFICATION OF ZONING FEES AND ADMINISTRATIVE FEES INTO A NEW STAND ALONE CHAPTER OF THE CODE OF ORDINANCES OF THE TOWN OF TOWNSEND.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF TOWNSEND (a majority of the members elected thereto concurring therein):

Section 1. Amend the Code of Ordinances, Town of Townsend by adding thereto a new Chapter Four to read as follows:

“Chapter 4. FEE SCHEDULE

Article I. In General.

4-1. All existing fees referenced herein and having been enacted prior to date of this ordinance shall be recodified to appear this chapter and the respective values of such fees shall be revised and amended as set forth herein. All existing fees not referenced herein remain in full force and effect as enacted.

4-2. Fees not previously enacted by ordinance appearing herein shall be enacted and assessed in accordance herewith.

Sec 4-3 and 4-4 Reserved.

Article II. Fees Enumerated.

Sec. 4-5. Board of Adjustment.	FEE
(a) Application for variance hearing	\$ 500.00
(b) Application for special exception hearing	\$ 350.00
(c) Application for waiver hearing	\$ 350.00
Sec. 4-7. Contractor's License	\$ 125.00
Sec. 4-8. Land Development	
(a) Minor Subdivision or Land Development Plan	
- Residential	

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Mayor
Rudy Sutton

Councilman
John Ness

Councilwoman
Lorraine Gorman

Councilman
Jermaine Hatton

Councilwoman
Cindy Cook

Town Manager
Dawson Green

- | | |
|--|---|
| 1. Filing fee (nonrefundable) | \$ 150.00 |
| 2. Initial engineering and plan review | \$ 460.00 (plus \$60.00 per unit or acre, whichever is greater) |
- (b) Minor Subdivision or Land Development Plan
- Nonresidential
- | | |
|--|------------|
| 1. Filing fee (nonrefundable) | \$2,250.00 |
| 2. Initial engineering and plan review | |
| a. less than 5 acres | \$ 970.00 |
| b. 5 to 19.99 acres | \$1,430.00 |
| c. 20 to 49.99 acres | \$1,940.00 |
| d. 50 to 99.99 acres | \$2,860.00 |
| e. greater than or equal to 100 acres: | \$3,830.00 |
- (c) Major Subdivision or Land Development Plan
- Residential
- | | |
|---|--|
| 1. Filing Fee (non-refundable) | \$ 350.00 |
| 2. Initial Engineering and Plan Review Escrow | \$ 460.00 plus \$115.00 per dwelling unit or acre, whichever is greater. |
- (d) Major Subdivision or Land Development Plan
- Non-Residential
- | | |
|---|------------|
| 1. Filing Fee (non-refundable) | \$ 500.00 |
| 2. Initial Engineering and Plan Review Escrow | |
| a. less than 5 acres: | \$1,940.00 |
| b. 5 to 19.99 acres: | \$2,860.00 |
| c. 20 to 49.99 acres: | \$3,830.00 |
| d. 50 to 99.99 acres: | \$4,800.00 |
| e. greater than or equal to 100 acres: | \$5,770.00 |
- (e) Land and Development Inspection Escrow Account/Guaranty Requirements
1. Inspection Fee Escrow – 5% of the total cost estimate (for both on-site and off-site improvements). \$500.00 minimum escrow deposit.
 2. Performance Guaranty - 120% of the total cost estimate in the form of cash, irrevocable letter of credit, certified check, or performance bond)
 3. Maintenance Bond - 15% of the total cost estimate.
- (f) Administrative fees and fines
1. Building Fee (One & Two Family Dwellings) - \$12.00 per \$1,000.00 valuation based on current ICC Building Valuation Data Table applying a Local Factor of 0.75.
 2. Building Fee (Other than One & Two Family Dwellings) - \$12.00 per \$1,000.00 valuation up to \$1,000,000.00 and \$5.00 per \$1,000.00 for anything exceeding \$1,000,000.00 based on the most current ICC Building Valuation Data Table.

3. Administrative Fee	\$ 100.00
4. Temporary Certificate of Occupancy	\$ 75.00
5. Certificate of Occupancy	\$ 100.00
6. Returned Checks	\$ 50.00
7. Impact Fees	
A. Roadway	\$2,750.00
B. General	\$2,200.00
C. Sidewalk	\$ 250.00
8. Townsend Volunteer Fire Assistance	\$ 750.00
9. Permit Extension (valid for 180 days)	\$ 50.00
10. Lines & Grades (each review)	\$ 450.00
11. Review of New Home Construction Drawings (each review)	\$ 575.00
12. Gas Line Pressure Test	
- when required	\$ 50.00
13. Trade Permit Fees	
A. Mechanical Permit	\$ 75.00
B. Plumbing Permit	\$ 75.00
14. Re-inspection Fee (Due prior to re-inspection)	\$ 70.00
15. Light Pollution Violation Penalty Fees (each offense)	\$ 50.00
16. Unlawful Burning In Town Limits (each offense)	\$ 25.00 - \$100.00
17. Unlawful Use of Orchard Lane	
A. First offense: 5 Hours of community service plus \$50.00 fine	
B. Second offense: 10 hours of community Service plus \$100.00 fine	
C. Each subsequent offense: \$200.00 fine.	
18. Town Mowing of non-compliant properties (@ \$75/hr, minimum of 2 hours)	

(g) Residential Permit Flat Fees

1. Fence	\$ 100.00
2. Shed	\$ 100.00
3. Permanently Installed Generator	\$ 125.00
4. Fireplace	\$ 125.00
5. In-Ground Pool	\$ 525.00
6. Above-Ground Pool	\$ 175.00
7. Hot Tub	\$ 175.00

(h) Residential Permit Fees per square foot.

1. Patio	\$ 6.50
2. Sidewalk	\$ 6.50
3. Driveway	\$ 6.50

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4. Basement	\$ 6.00
5. Deck	\$ 8.50
6. Addition (based on ICC Building Valuation Table @ \$12.00 per \$1,000.00 valuation)	
7. Car Port	\$ 12.50
8. Garage (based on ICC Building Valuation Table @ \$12.00 per \$1,000.00 valuation)	
9. Altering of existing spaces (moving of interior walls)	\$ 18.00

(i) Non-Residential Fees

1. Impact Fees	
A. Commercial: \$1.00 per sq. ft. of building area	
B. Industrial: \$1.00 per sq. ft. of building area	
2. Plan Review Fees (Commercial/Industrial): \$0.006 for each dollar of value with a minimum of	\$ 200.00
3. Inspection Fees (Commercial/Industrial):	
A. Valuation <\$1,000.00:	\$ 50.00
B. Valuation > \$1,000.00 < \$1,000,000.00 Per \$1000.00 or fraction thereof	\$ 10.00
C. Valuation > \$1,000, 000.00 for each \$1,000 or fraction thereof	\$ 3.00
4. Fence	\$ 200.00
5. Fence (Replacement Only)	\$ 100.00
6. Signs (Permanent) per/sq. ft	\$ 7.00
7. Signs (Temporary less than 30 days)	\$ 50.00
8. Signs (Temporary 30-90 days)	\$ 100.00
9. Temporary Office Trailers (< 180 days)	\$ 60.00

(j) Demolition Permit	\$ 600.00
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Sec. 4-9. Trash and Recycling Services

(a) Monthly Charge	\$ 25.00
(b) Administrative Fee	\$ 2.50
(c) Monthly Late Fee (10% of your current month's balance due)	
(d) Resume Fee is required to restore discontinued service of trash and recycling	\$ 50.00

Sec. 4-10. Trash General Office Fees

(a) Copies	
1. .10 per copy for first 1-10 copies;	
2. .25 per copy for each copy after the first ten	
(b) FAX - \$1.00 for first ten pages, \$1.00 per page after the first ten	

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(c) NOTARY

FREE

Sec. 4-11. Trash Municipal Park Rental

(a) Pavillion/ Gazebo

1. Town of Townsend Residents
(within incorporated Town limits) \$ 50.00
2. Non-Profit organizations \$ 50.00
3. Non-Residents \$ 100.00
4. All pavilion and gazebo rentals require
a \$100.00 refundable deposit against damage

(b) Baseball/Multi-Purpose Field Reservation FREE

requires a \$100.00 refundable deposit against damage.

Sec. 4-12. Business License

(a) Licenses shall be required for the following trades, businesses and occupations and the license fee shall be set forth as reflected herein. The remaining provisions of Chapter 18 of the Code of Ordinances, not conflicting herewith, remain in full force and effect.

1. Advertising Agency \$ 125.00
2. Amusement Operator \$ 125.00
3. Architect (Per Architect) \$ 250.00
4. Attorney-at-Law (Per Attorney) \$ 250.00
5. Auctioneer \$ 125.00
6. Bank, Trust, Loan & Credit Union \$ 250.00
7. Barber - First 2 \$ 125.00
8. Barber - 3 or more \$ 250.00
9. Beautician - First 2 \$ 125.00
10. Beautician - 3 or more \$ 250.00
11. Bowling Alley \$ 125.00
12. Broadcasting Station \$ 125.00
13. Broker (Per Broker) \$ 125.00
14. Car Wash \$ 125.00
15. Certified Public Accountant (Per Accountant) \$ 250.00
16. Cesspool Cleaner \$ 125.00
17. Chiropractor (Per Chiropractor) \$ 250.00
18. Coin Operated Amusement Machine Owner \$ 125.00
19. Coin Operated Electronic Video Machine Owner \$ 125.00
20. Coin Operated Vending Machine Owner \$ 125.00
21. Commercial Sign Business \$ 125.00
22. Computer Related Services \$ 125.00
23. Contractor \$ 250.00
24. Day Care Operator - 6 Children and under \$ 125.00
25. Day Care Operator - 7 Children and above \$ 250.00
26. Dental Lab \$ 125.00
27. Dentist (Per Dentist) \$ 250.00
28. Distributor \$ 125.00
29. Drayman or Mover \$ 125.00

30. Eating Establishment	\$ 125.00
31. Employment Agent	\$ 125.00
32. Entertainers	\$ 125.00
33. Entertainment Agent or Operator	\$ 125.00
34. Finance or Small Loan Agency	\$ 250.00
35. Gas, Light, Power, Cable TV & Telephone Company	\$ 825.00
36. General Repairman	\$ 125.00
37. Health Spa or Health Club	\$ 125.00
38. Income Tax Consultant	\$ 250.00
39. Incorporator	\$ 125.00
40. Insurance Adjustor Office	\$ 125.00
41. Insurance Agent	\$ 125.00
42. Janitorial & Cleaning Service	\$ 125.00
43. Laundry Service Operator	\$ 125.00
44. Linen Supplier	\$ 125.00
45. Manicurist	\$ 125.00
46. Manufactured Home Park (Per Space)	\$ 6.00
47. Manufacturer's Agent or Representative	\$ 125.00
48. Mercantile Agency or Collection Agency	\$ 125.00
49. Merchant	See below
50. Motel/Hotel (5 rooms - \$5.00/Room)	\$ 125.00
51. Motion Picture Theater	\$ 125.00
52. Motor Vehicle Serviceman	\$ 125.00
53. Nursing, Rest or Convalescent Home	\$ 125.00
54. Open Market Operator	\$ 125.00
55. Optometrist (Per Optometrist)	\$ 250.00
56. Outdoor Music Festival Promoter	\$ 250.00
57. Parking Lot or Garage Operator	\$ 125.00
58. Pawnbroker	\$ 125.00
59. Pest Control Services	\$ 125.00
60. Pharmacist	\$ 250.00
61. Photographer	\$ 125.00
62. Physical Therapist (Per Therapist)	\$ 250.00
63. Physician and/or Surgeon (Per Doctor)	\$ 250.00
64. Plant Nursery and/or Florist	\$ 125.00
65. Podiatrist (Per Podiatrist)	\$ 250.00
66. Pool Table Operator	\$ 125.00
67. Printer	\$ 125.00
68. Private Detective Agency	\$ 125.00
69. Professional Engineer (Per Engineer)	\$ 250.00
70. Professional Land Surveyor (Per License)	\$ 250.00
71. Psychologist (Per Psychologist)	\$ 250.00
72. Public Accountant (Per Accountant)	\$ 250.00
73. Public Stenographer	\$ 125.00
74. Publishers	\$ 125.00
75. Real Estate Brokers, Appraisers & Managers	\$ 125.00
76. Real Estate Property Manager	\$ 125.00

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77. Real Estate Salesperson or Associate Broker	\$ 125.00
78. Refuse Haulers	\$ 300.00 + \$75/truck
79. Rental Services	\$ 125.00
80. Sales Representative	\$ 125.00
81. Schools & Education Services	\$ 125.00
82. Scientific Laboratory	\$ 125.00
83. Scrap & Waste Material Services	\$ 125.00
84. Secondhand Dealer of Precious Metals	\$ 125.00
85. Security Services	\$ 125.00
86. Shoe Repairman	\$ 125.00
87. Tailor & Garment Services	\$ 125.00
88. Taxicab or Bus Operator	\$ 125.00
89. Taxidermist	\$ 125.00
90. Telephone Answering Service	\$ 125.00
91. Television Repairman	\$ 125.00
92. Tourist Home	\$ 125.00
93. Travel Agency	\$ 125.00
94. Undertaker	\$ 125.00
95. Veterinarian	\$ 250.00
96. Warehouseman	\$ 125.00
97. Wholesale News Agency	\$ 125.00
98. All Businesses Not Listed	\$ 125.00

99. Manufactures shall pay a license fee at the rate of .00046 of the aggregate gross receipts over \$400,000; provided, however, that the minimum license fee shall be seven hundred and fifty dollars (\$750.00).

100. Merchants and bottlers shall pay a license fee at the rate of .00046 of the aggregate gross purchases for resale over \$400,000; provided, however, that the minimum license fee shall be seven hundred and fifty dollars (\$750.00). Businesses will sign an affidavit stating their aggregate gross receipts or aggregate gross purchases for resale.

(b) Exemption: Any manufacturer that has aggregate gross receipts or any merchant or bottler that has aggregate gross purchases for resale under \$100,000 will pay a license fee of one hundred twenty five dollars (\$125.00). However, the licensing office must receive a letter stating this by January 31 of the subject year.

Sec. 4-13. Administrative penalties for failure to obtain a permit and noncompliance with conditions or permit approval and zoning requirements.

(a) For the following violations the penalty shall be that set forth in subsection (b) hereof.

1. Failure to obtain a building permit
2. Failure to schedule inspections
3. Failure to obtain a certificate of occupancy
4. Violations of permitting conditions or requirements

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(b) For the first violation a monetary penalty shall be assessed of not less than \$100 nor more than \$500. Each subsequent violation shall incur a penalty of not less than \$200 nor more than \$1,000.”

Section 2. This Act repeals the corresponding fees set forth in the Code of Ordinances and recodifies administrative and zoning fees to appear in a single newly created chapter of the code of ordinances. Any duly enacted fee not referenced in this Act shall remain in force in its originally enacted code or ordinance location. The codifier is directed hereby to consider all restated fees repealed by this ordinance and to strike them from the Code.

Section 3. If any provision of this Act, or its application to any person or circumstance is held invalid, the remainder of this Act, or the application of the provision to other persons or circumstances shall remain unaffected.

Section 4. This Act shall become effective immediately upon its passage into law.

SYNOPSIS

This Act recodifies the fees found throughout the code and groups them in a single newly created chapter for ease of reference. In instances various fees are revised to the levels shown herein. In other instances they are merely relocated.

Introduction:	August 24, 2016
Publication of Fair Summary:	August 25, 2016
Public Hearing:	September 21, 2016
Final Reading:	September 21, 2016
Adoption:	September 21, 2016



Rudy Sutton
Mayor of Townsend
Town of Townsend, New Castle County, DE